IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
First Appeal No.776 of 2005

Rais Abdul Razaq Pitu. .. Appellant

Vs.

The Special Land Acquisition Officer.. Respondent

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Shri Rajesh S.Datar for the appellant.

Shri K.K.Tated, AGP for the respondent.

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CORAM : R.M.S.KHANDEPARKAR &
ANOOP V. MOHTA, JJ.

DATED : 6th JUNE, 2005.

P.C.

1. Heard. Perused the impugned judgment delivered by the reference Court enhancing the compensation to the tune of Rs.125/- per sq.meter.

2. The learned reference Court while enhancing the compensation has relied upon the Exhibit 50 - Sale Deed, which was executed for the purpose of conveyance of residential plot, and the price shown therein was for per sq.meter in the year 1991, the year in which the land in question was acquired. Based on this fact disclosed in the document and considering the location of the suit land, the reference Court has fixed the value at Rs.125/- per sq.meter. Undisputedly, apart from the Exhibit-50, no other documentary evidence of

the contemporaneous period was produced by the appellant in support of his claim for higher amount, i.e. for Rs.500/- per sq.meter. It was sought to be argued that the reference Court itself has considered that the rate of the land in the locality, at the relevant time, was at Rs.400/- per sq.meter, based on the Exhibit-50. It is to be noted that the Exhibit-50 was relating to a residential plot and being so, the same rate cannot be applied to a larger piece of land, and the law on this point is well settled by catena of decisions of the Apex Court. Considering the fact that on the basis of whatever cogent evidence available on record, the reference Court has rightly arrived at the conclusion that the land in question could be valued at Rs.125/- per sq.meter and the appellant being unable to point out any other cogent evidence on record to justify the claim for higher amount, we do not find any justification for interference in the impugned judgment.

3. In the circumstances, therefore, the appeal is liable to be summarily dismissed and is accordingly dismissed. No order as to costs.

(R.M.S.Khandeparkar, J)

(Anoop V.Mohta, J)